

January 6, 2009

E-19J

Mr. Robert F. Tally, Jr.
Division Administrator
Federal Highway Administration - Indiana Division
575 North Pennsylvania St., Room 254
Indianapolis, IN 46204

**Re: US 31 Hamilton County, Indiana Project
Final Environmental Impact Statement (CEQ No. 20080505)**

Dear Mr. Tally:

I am providing comments on the Final Environmental Impact Statement (EIS) for the US 31 Hamilton County Project, consistent with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The FEIS identifies and evaluates alternatives for upgrading US 31 in Hamilton County, Indiana to freeway standards, including grade separated interchanges, controlled access, and removal of traffic signals on the mainline. The FEIS includes alternatives from the original 2003 Draft EIS (DEIS) and the alternative proposed in a 2008 Supplemental DEIS (SDEIS), which is the preferred alternative.

The United States Environmental Protection Agency - Region 5 (EPA) has been in contact with the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) on this project, and we have provided input throughout the process. Our letter on the SDEIS in July 2008 provided comments on water resources, floodplains, and wellhead protection zones.

Our comments have been addressed in the Final EIS, and EPA has no objections to the project. We note that:

- INDOT states their intent to work with the City of Westfield, Indiana on protective measures in wellhead protection zones, and will use detention basins for stormwater management.
- the FEIS discusses setback recommendations for wetland near aviation sites, and notes that INDOT will consult further with the Federal Aviation Administration if compensation sites are established in the vicinity of the airfield and as future

- plans for the airfield develop.
- INDOT will investigate reforestation opportunities within its acquired right-of-way for the project.

We continue to recommend that the Record of Decision include information on emergency plans with the City of Westfield for highway spills in the vicinity of the municipal wellhead protection zones. We also encourage spanning the 100-year floodplain for Cool Creek and Lindley Ditch and voluntary mitigation of upland forest; we understand these measures will be considered further in the design phase.

Thank you very much for the opportunity to review the FEIS for this project; we look forward to receiving the ROD for our records. If you have any questions on our comments, please contact Anna Miller of my staff at (312) 383-3145 or at miller.anna@epa.gov.

Sincerely,

/s/ K. Westlake 1/6/09

Kenneth A. Westlake
Supervisor, NEPA Implementation
Office of Enforcement and Compliance Assurance

